

Mr. Speaker, the best way to describe how the substitute and the bill actually works in the real world is to tell a story that actually happened. You talk about an assault on *Roe v. Wade*; I am talking about a assault on Shawana Pace, an African American woman who lived in Arkansas. On August 26, 1999, she was kidnapped by three men, she was pregnant, she was near her due date, she had already named the baby Heaven once she got the ultrasound test back. She had a baby boy, and she had already named her unborn child Heaven.

Her boyfriend, the father, former boyfriend, paid three people \$400 to kidnap her and terminate her pregnancy because he did not want to pay child support. They did that. They kidnapped her, they took her away. She is lying on the floor and they are beating her within an inch of her life, and one of them says, "Your baby is dying tonight." Strangely enough, she was pleading for her baby's life, not hers.

The good news in this story, if there is any, is that the three people plus the boyfriend, two of them are on death row in Arkansas because Arkansas, several weeks before, had passed a law recognizing the unborn child as a separate victim; and under that statute, the prosecutor was able to bring a murder charge, not enhance the punishment on the assault charge.

Now, I did not have the death penalty in this bill because I did not want to get into that debate, but if this had happened in Federal jurisdiction, there would have been no enhancing of the assault charge, there would have been a murder charge because that is what they were hired to do, that is what they did, and I think most Americans would want them to be prosecuted for murder, not play some game of enhancing punishment that ignores what really happened.

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They can do that without affecting *Roe v. Wade*. That is why I had so many pro-choice votes last time. One can be pro-choice and still support this bill. It happened before, and it is going to happen again today. Those people that were hired to do a terrible thing get the full force of the law because there is a statute on the books in Arkansas that is just like the one that I am trying to pass here in Congress.

Rae Carruth, NFL football player, hired a person to kill his pregnant girlfriend. She refused to have an abortion. He did not want to pay for the child. The hit man charged \$5,000 for the mother and \$5,000 for the baby, charged him twice.

Let us punish him twice. That is what this bill does.

The substitute is just an irrational way to deal with the unborn. We can have an honest, healthy debate about abortion rights. In my bill, I protect the right to have an abortion because it is the law of the land; but pro-choice and pro-life people should come to-

gether when the woman chooses to have the baby and put the full force and effect of the law against a criminal who is paid or otherwise takes that life away. They are not inconsistent.

It would be a better country if we passed this bill, and prosecutors will have more tools because if one takes the murder or assault charge off because they do not recognize the baby, the ability to fully prosecute that case is undermined, and I think most prosecutors would agree.

The gentleman from Pennsylvania (Mr. GREENWOOD) is my friend. He says this is an assault on abortion. It is not. In his State, they passed this same law using the same words in 1998.

People still have the *Roe v. Wade* rights in Pennsylvania, but people assaulting pregnant women face stiffer penalties and more punishment because of what Pennsylvania did.

Let us do this at the Federal level. Let us come together and make sure that people in the future who take money or otherwise assault a pregnant woman and destroy the unborn child are prosecuted to the fullest extent of the law, no excuses, no apologies.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just would like to note that the Arkansas statute is inconsistent with the Supreme Court decision, *Meadows v. State*, in Arkansas, and I do hope that the monster who committed that heinous crime does not walk because the statute is unconstitutional.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF), a former prosecutor and a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I am not going to attempt to speak on the unique tragedy and trauma suffered with the loss of a child. I think other Members have already spoken to that, and could speak to it with a passion of familiarity that neither I nor any other male Member of this Chamber could. Instead, I would like to speak as a former prosecutor, someone who for 6 years went into court and prosecuted a variety of Federal crimes, and has experience not only with the job of prosecuting those cases but also handling the inevitable motions, the appellate process, the habeas corpus petitions and all of the delays attendant to litigating complex issues.

This is a criminal justice bill. This is a public safety measure. Its ostensible purpose is to use the vehicle of the criminal justice system to deter attacks on pregnant women, to incapacitate those who would conduct them by lengthening the sentences, to bring about retribution on those who would commit such a heinous act. All of the purposes of the criminal justice system are served by both bill and substitute; but if one has to choose as a prosecutor going into court under one law or going into court on another, they would certainly choose to go into court under a

law that is less subject to constitutional challenge and attack.

The bill, as it is drafted, using definitions like a member of the species *Homo sapiens* at any stage of development who is carried in the womb, invites, demands in fact, constitutional litigation. As a prosecutor, one can be assured in both motion and appeal to the highest courts of the land they will be required to litigate when life begins under the bill.

That is not required under the substitute. If it is our goal to give prosecutors that extra tool, as the gentleman from South Carolina (Mr. GRAHAM) mentioned, if it is our goal to allow prosecutors to take more vigorous action to have greater penalties at their beck and call to deter, to incapacitate, to bring about retribution for these crimes, let us choose a substitute which makes that possible without this unprecedented constitutional litigation.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I wonder if one would imagine with me an infant in a nursery in a hospital on life support. There is a terrorist bomb or an arsonist fire, and that infant and several others are killed. Can one imagine an argument that says that those babies that were not on life support were murdered but the baby on life support was not murdered?

Mr. Speaker, the preborn baby, in its mother's womb, is simply on life support through the umbilical cord. When a pregnant woman is killed, clearly two lives are snuffed out. There are two murders. When a woman is assaulted, sometimes with the intention of killing that preborn child who is simply on life support in her womb, indistinguishable from a baby just born, clearly that also is murder.

This legislation is long past due. Defeat the amendment. Support the base bill.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), a leader in the fight for rights for women.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks and include extraneous material.)

Mrs. MALONEY of New York. Mr. Speaker, I thank very much the gentleman from California (Ms. LOFGREN) for yielding and congratulate her for her extraordinary leadership on this issue and so many other issues before the committee protecting women.

Very simply, if one wants to punish people who attack pregnant women and injure or destroy their fetuses, then vote for the Lofgren substitute, because that is what it does. Its penalties are stricter. If, however, the goal is to declare fetuses to be separate people